



ADVISORY BULLETIN

October 9, 2019

Employee Background Checks – Pending Charges and Convictions

Section 405 of the Medical Marijuana Facilities Licensing Act (MMFLA) requires all licensees to conduct a background check for each prospective employee prior to their hiring. If the background check indicates a pending charge or conviction within the past 10 years for a controlled substance-related felony, a licensee is prohibited from hiring the prospective employee without written permission from the Marijuana Regulatory Agency (MRA).

The purpose of this bulletin is to advise licensees on the process for obtaining permission from the (MRA) to hire a prospective employee in this situation. A licensee shall submit all of the following to the MRA:

- A copy of the arrest report that resulted in the employee's conviction.
- A copy of the employee's conviction documents.
- A written statement from the licensee that includes all of the following:
 - The prospective employee's job title.
 - A description of the prospective employee's job duties.
 - An explanation of the steps the licensee has taken to ensure the conduct that resulted in the prospective employee's conviction will not jeopardize the facility's operations if the conduct were to reoccur. If the prospective employee's conduct that resulted in the conviction is totally unrelated to the job duties that he or she will be performing, include a statement to that effect.

The MRA will review the required documents and make a determination regarding the prospective employee's employment. The licensee will receive written notice of the MRA's determination.

Please mail the arrest report, conviction documents, and written explanation to:

Marijuana Regulatory Agency
Licensing Division
Attention: Desmond Mitchell
P.O. Box 30205
Lansing, MI 48909

The Medical Marijuana Facilities Licensing Section of the MRA's Licensing Division may be contacted via email at MRA-Applications@michigan.gov or by phone at 517-284-8599. For more information about the Marijuana Regulatory Agency, please visit www.michigan.gov/MRA

This advisory bulletin does not constitute legal advice and is subject to change. Licensees are encouraged to seek legal counsel to ensure their operations comply with the Medical Marijuana Facilities Licensing Act and associated Administrative Rules.